



# United States Department of the Interior

## NATIONAL PARK SERVICE

National Mall and Memorial Parks  
900 Ohio Drive, S.W.  
Washington, D.C. 20024



March 6, 2017

### Record of Determination for the Temporary Public Parking Closure of the Tidal Basin Parking Area near the Paddle Boats for the National Cherry Blossom Festival


Pursuant to 36 CFR § 1.5(a)(1) the National Mall and Memorial Parks is temporarily closing for public parking the Tidal Basin Parking Area located near the paddle boats, due to staging and events associated with the National Cherry Blossom Festival. This public parking closure will begin on approximately Sunday, March 8, 2017, at 10:00 p.m. and will remain in effect until 11:59 p.m. on Wednesday, April 5, 2017. Access to the Tidal Basin Parking Area will remain open to the walking public. The roadway into the area will be closed with a gate at each roadway entrance. In addition, the rear portion of Parking Lot B in East Potomac Park will also be closed from Sunday, March 8, 2017 at 10:00 p.m. and will remain in effect until 11:59 p.m. on April 5, 2017. This area will also be marked by barricades and signage. Message boards and police directions will assist visitors looking for public parking in other alternate parking areas. Violation is prohibited.

The Tidal Basin Parking Area closure is necessary for special public events associated with the National Cherry Blossom Festival. Public parking will be made available daily at Parking Lots A, B and C and in East Potomac Park. Parking will also be made available at the National Capital Region Headquarters parking lot on Saturdays and Sundays during the Festival. A shuttle, that will cost one dollar, will be made available to transport visitors from East Potomac Park to the Festival site.

The temporary closure is not of a nature, magnitude or duration that will result in a "significant alteration in the public use pattern." The closure will not adversely affect the park's natural aesthetic or cultural values, nor require significant modification to the resource management objection, nor is it of a highly controversial nature. Indeed, while the Tidal Basin Parking Area has been closed for parking during past Festivals, other nearby parking areas will remain open to the public.

Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted under 36 CFR § 1.5(c). This determination is consistent with hundreds of earlier partial or temporary closures, the legal opinion of the Office of the Solicitor, and judicial adjudications that have upheld other NPS closures and public use limitations. *Spiegel v. Babbitt*, 855 F. Supp. 402 (D.D.C. 1994) *aff'd in part w/o op.* 56 F. 3d 1531 (D.C. Cir. 1995), *reported in full*, 1995 US App. Lexis 15200 (D.C. Cir. May 31, 1995); *ANSWER Coalition v. Norton*, No. 05-0071, (D.D.C. January 18, 2005), *Mahoney v. Norton*, No. 02-1715 (D.D.C. August 22, 2002), *plaintiff's emergency motion for appeal for injunction pending appealed denied Mahoney v. Norton*, No. 02-5275 (D.C. Cir. September 9, 2002) (per curiam); *Picciotto v. United States*, No. 99-2113 (D.D.C. August 6, 1999); *Picciotto v. Lujan*, No. 90-1261 (D.D.C. May 30, 1990) *Picciotto v. Hodel*, No. 87-3290 (D.D.C. December 7, 1987).

Pursuant to 36 CFR § 1.5(c), 1.7, notice of this temporary and partial closure will be made through roadway gates and the posting of signs at conspicuous locations in the affected park area. Finally, pursuant to 36 CFR § 1.5(c), this determination is available to the public upon request.

For   
Gay E. Vietzke  
Superintendent, National Mall and Memorial Parks

3/6/17  
Date